



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,355	12/14/2001	David Spitz	9213-12	6838
20792	7590	10/17/2005		EXAMINER
MYERS BIGEL SIBLEY & SAJOVEC				TIEU, BINH KIEN
PO BOX 37428				
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/017,355 Examiner BINH K. TIEU	SPITZ ET AL. Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 August 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-60 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-60 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection as follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6-9, 17-21, 26-29, 37-41, 46-49 and 57-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferber (Pub. No.: US 2001/0032193 A1).

Regarding claim 1, Ferber teaches a method of registering wireless device users in a direct marketing campaign, comprising: providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign, and wherein the content portion, responsive to user activation, is configured to register a user to receive one or more communications from the direct marketing campaign (paragraphs [0034] [0040]-[0041]); obtaining user identification information and direct marketing campaign identification information in response to user activation of the content portion (paragraph [0039]), wherein the user identification includes a

communication address where the user can receive communications from the direct marketing campaign via the wireless device; and registering the user in the identified direct marketing campaign in response to obtaining user identification information (paragraphs [0022] and [0023]).

Regarding claims 6-8, Ferber further teaches limitations of the claims in paragraphs [0023] and [0025].

*Regarding claim 9,* Ferber teaches a direct marketing method for user of wireless devices, comprising: providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign, and wherein the content portion, responsive to user activation, is configured to register a user to receive one or more communications from the direct marketing campaign (paragraphs [0034] [0040]-[0041]); obtaining user identification information and direct marketing campaign identification information in response to user activation of the content portion (paragraph [0039]), wherein the user identification includes a communication address where the user can receive communications from the direct marketing campaign via the wireless device; and registering the user in the identified direct marketing campaign in response to obtaining user identification information; and means for sending a communication from the direct marketing campaign to the user at the communication address (paragraphs [0022] and [0023]).

Regarding claims 17-20, Ferber further teaches limitations of the claims in paragraphs [0023] and [0025].

***Regarding claim 21,*** Ferber teaches a computer program product that registers wireless device users in a direct marketing campaign, the computer program product comprising a computer usable storage medium having computer readable program code embodied in he medium, the computer readable program code comprising: computer readable program code that provides content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign, and wherein the content portion, responsive to user activation, is configured to register a user to receive one or more communications from the direct marketing campaign (paragraphs [0034] [0040]-[0041]); computer readable program code that obtains user identification information and direct marketing campaign identification information in response to user activation of the content portion (paragraph [0039]), wherein the user identification includes a communication address where the user can receive communications from the direct marketing campaign via the wireless device; and computer readable program code that registers the user in the identified direct marketing campaign in response to obtaining user identification information (paragraphs [0022] and [0023]).

Regarding claims 26-28, Ferber further teaches limitations of the claims in paragraphs [0023] and [0025].

***Regarding claim 29,*** Ferber teaches a direct marketing computer program product for uses of wireless devices, the computer program product comprising a computer usable storage medium having computer readable program code embodied in he medium, the computer readable program code comprising: computer readable program code that provides content within a display of a wireless device, wherein the content includes a portion that is responsive to

user activation and that displays an identification of a direct marketing campaign, and wherein the content portion, responsive to user activation, is configured to register a user to receive one or more communications from the direct marketing campaign (paragraphs [0034] [0040]-[0041]); computer readable program code that obtains user identification information and direct marketing campaign identification information in response to user activation of the content portion (paragraph [0039]), wherein the user identification includes a communication address where the user can receive communications from the direct marketing campaign via the wireless device; and computer readable program code that registers the user in the identified direct marketing campaign in response to obtaining user identification information; and means for sending a communication from the direct marketing campaign to the user at the communication address (paragraphs [0022] and [0023]).

Regarding claims 37-40, Ferber further teaches limitations of the claims in paragraphs [0023] and [0025].

*Regarding claim 41,* Ferber teaches a system that registers wireless device users in direct marketing campaigns, comprising: means for providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign, and wherein the content portion, responsive to user activation, is configured to register a user to receive one or more communications from the direct marketing campaign (paragraphs [0034] [0040]-[0041]); means for obtaining user identification information and direct marketing campaign identification information in response to user activation of the content portion (paragraph [0039]), wherein the user identification includes a communication address where the user can receive communications

from the direct marketing campaign via the wireless device; and means for registering the user in the identified direct marketing campaign in response to obtaining user identification information (paragraphs [0022] and [0023]).

Regarding claims 46-48, Ferber further teaches limitations of the claims in paragraphs [0023] and [0025].

*Regarding claim 49*, Ferber teaches a direct marketing system for users of wireless devices, comprising: means for providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign, and wherein the content portion, responsive to user activation, is configured to register a user to receive one or more communications from the direct marketing campaign (paragraphs [0034] [0040]-[0041]); means for obtaining user identification information and direct marketing campaign identification information in response to user activation of the content portion (paragraph [0039]), wherein the user identification includes a communication address where the user can receive communications from the direct marketing campaign via the wireless device; and means for registering the user in the identified direct marketing campaign in response to obtaining user identification information; and means for sending a communication from the direct marketing campaign to the user at the communication address (paragraphs [0022] and [0023]).

Regarding claims 57-60, Ferber further teaches limitations of the claims in paragraphs [0023] and [0025].

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-5, 11-16, 22-25, 31-36, 42-45 and 51-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber (Pub. No.: US 2001/0032193 A1) in view of Angles et al. (U.S. Pat. #: 5,933,811).

Regarding claims 2, 11-12, 22, 31-32, 42 and 51-52, Ferber further teaches all subject matters as claimed above, except the feature of extracting user identification information from an HTTP header associated with a user request generated in response to user activation of the content portion. However, Angles et al. (“Angles”) teaches an interactive communication device using Hypertext Transport Protocol (HTTP) for the exchange of information such as HyperText Markup Language (HTML) wherein the HTML including consumer information as user

Art Unit: 2643

identification extracted and stored in a database such as registration database 68(col.6, lines 32-58 and col.17, lines 3-30) for purpose of directly transmitting advertised messages to registered consumer in a future.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of said feature of extracting user identification information from an HTTP header associated with a user request generated in response to user activation of the content portion, as taught by Angles, into view of Ferber in order to directly provide advertisement messages to registered users in the future.

Regarding claims 3, 13-14, 23, 33-34, 43 and 53-54, Angles further teaches limitations of the claim in col.15, lines 3-31.

Regarding claims 4-5, 15-16, 24-25, 35-36, 44-45 and 55-56, Angles further teaches limitations of the claims in col.15, lines 43-55 and col.16, line 56 through col.17, line 10.

7. Claims 10, 30 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber (Pub. No.: US 2001/0032193 A1) in view of Taniguchi et al. (Pub. No.: US 2002/0065748 A1).

Regarding claims 10, 30, 50, Ferber further teaches all subject matters as claimed above, except the feature of unregistering the user from receiving advertisements from a direct marketing campaign. However, Taniguchi et al. ("Taniguchi") teaches such well-known feature in paragraph [0014] for a purpose of preventing user receipts of unwanted advertisement messages.

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of said feature of unregistering the user from receiving advertisements from a direct marketing campaign, as taught by Taniguchi, into view of Ferber in order to eliminate receipts of unwanted advertisement messages from marketing campaigns.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

(571) 273-8300

Hand Carry Deliveries to:

Customer Service Window  
(Randolph Building)  
401 Dulany Street  
Alexandria, VA 22314

In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/017,355

Page 10

Art Unit: 2643



A handwritten signature in black ink, appearing to read "Binh Tieu".

**BINH TIEU  
PRIMARY EXAMINER**

Art Unit 2643

Date: October 14, 2005